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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,065	12/02/2003	Wayne G. Dahulich	070028-0135	2567

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EXAMINER
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GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/726,065

Applicant(s)

DAHULICH, WAYNE G.

Examiner

Tamara L. Graysay

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 and 14 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112, first paragraph*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 21-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has not provided remarks particularly pointing out where in the original disclosure support can be found for the terminology and language used in the claims. Examples of insufficiently described claim terminology and claimed subject matter follow.

a. Claims 21-40: The recitation of a “tensioned tent” is considered new matter insofar as the original disclosure does not support the adjective “tensioned” to describe the tent. There are no disclosed features that render the tent, comprising the shell and support structure, to be in tension. Further, the claim term is not clear as to what renders the tent “tensioned” by way of the elements positively set forth in the claims. Without the guy wires and stakes, the claims fail to limit the claim to a “tensioned tent.”

Therefore, the use of the term tensioning to describe the tent is new matter.

b. Claim 23: The terminology “double-D profile portion” lacks antecedent basis in the specification. The specification mentions rectangular [0027], but makes no mention

of any other shape for the fittings; and the drawing figures depict a rectangular shape.

Therefore, the use of the term double-D to describe the profile portion is new matter.

c. Claims 25, 27, 41, 44 and 46: The recitation “pivotally attached” to describe the connection of the support member and/or standoff portion 52 to the gusset 50 is not provided for in the specification. The specification mentions that the two elements are “coupled” by way of bolt 51; however, there is no particular description of the elements that enables the standoff portion and the gusset to be pivotally attached. Therefore, the standoff portion pivotally attached to the gusset is new matter.

d. Claims 28-29: The recitation of the means for preventing disengagement of the fittings from the support members, comprising a pair of ties affixed to the roof, lacks antecedent basis in the specification. The specification mentions the use of a “fastener” to couple the fitting and the standoff [0033], but fails to mention a pair of ties. While figures 5 appears to depict an stick element hanging from the inner side of the shell, the element is not identified or mentioned in the specification as to its use, purpose or identification by reference character or description. Therefore, the claimed means for preventing disengagement comprising a pair of ties is new matter.

e. Claims 30 and 31: The arch support structures not coupled to one another is misdescriptive because the arch support structures are not described in the specification as being capable of standing alone and are interconnected by way of the external support structure and the shell. This interpretation is evidenced by claim 31 which positively recited the interconnection or coupling of the arch support structures. Further, there is no

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mention in the specification that the arch support members are free standing. Therefore, the arch support structures, claimed as not coupled to one another is new matter.

f. Claim 36: The positioning of the connectors to limit pivotal movement of the support member is not mentioned in the specification or depicted with any particularity in the drawings. Therefore, the pivotal limit is new matter.

***Claim Rejections - 35 USC § 112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27, 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27: The claim is limited to the receptacle portion received in the fitting; however, claim 21 recites the “support member ... configured to couple to one of the ... fittings *therein*” which limits the claim, and those claims dependent thereon, to the fitting received in the support member (receptacle portion). Therefore, the claim is improperly dependent upon claim 21.

Claims 30-31: The claims are limited to the arch support members not connected to each other and/or free standing; however, claim 21 recites the arch support members attached to each other through the shell, fittings and support member of the gussets. Therefore, the claims are improperly dependent upon claim 21.

### *Drawings*

3. The drawings were received on 14 April 2006. These drawings are accepted. However, the following objections are entered in light of the newly submitted claims.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

- the double-D profile, as recited in claim 23,
- the pivot attachment, as recited in claims 25, 27, 41, 44 and 46,
- the receptacle portion configured to be received in the fitting, as recited in claim 27,
- the means for preventing disengagement of the fittings from the support members, as recited in claims 28 and 29,
- the arch support structures not coupled to one another, as recited in claim 30,

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The terminology in the specification must provide antecedent basis for the following claim terminology

- "tensioned tent" as recited in claims 21+.
- "double-D profile portion" as recited in claim 23.
- "base portion" as recited in claim 23.
- "central portion" as recited in claim 24.
- "pivot attachment" as recited in claims 25, 27, 40, 44 and 46.
- "pair of ties" as recited in claim 29.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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